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REMARKS

Claims 1 and 3-21 were pending in the application. Claims 1, 9, 10, 14, and 15 have been amended. Accordingly, claims 1 and 3-21 are presently being examined.

Sections 1, 2 and 5 of the Office Action rejected claims 1, 3-7, 9-12, 14-17, 19 and 20 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,255,318 to Kaide et al. ("Kaide patent").

According to the previous Office Action, the claims were not novel because the Kaide patent discloses a polymer, a hydrated metallic oxide, and a clay surrounding a cable. Further, according to the present Office Action, the recited nano-clays are well known for fire retardation and char formation.

Applicants hereinabove have amended the independent claims, that is claims 1, 9, 10, 14 and 15, to recite a polymer selected from the group consisting of "polyethylene, polypropylene, polyurethane, polystyrene, phenolics, epoxy resins, ABS combinations, and copolymers of polyethylene, polypropylene, polyurethane, polystyrene, phenolics, and epoxy resins". Support for this amendment can be found, inter alia, on page 5 in lines 2-8 of the subject specification.

Applicants respectfully submit that the Kaide patent only teaches one type of polymer, that is, chloroprene polymers and chloroprene co-polymers for improved flame retardation with clay and other fillers. Thus, unlike the subject invention as recited in the amended independent claims, the Kaide patent fails to teach or suggest a flame retardant or coherent char forming polymer composition with nano-clay and a second filler in which the polymer is polyethylene, polypropylene,

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polyurethane, polystyrene, phenolics, epoxy resins, ABS combinations, or copolymers of polyethylene, polypropylene, polyurethane, polystyrene, phenolics, and epoxy resins. Accordingly, for at least this reason, applicants respectfully submit that the amended independent claims are not taught or suggested by the Kaide patent.

Since claims 3-7, 11-12, 16-17, and 19-20 depend directly or indirectly from the amended independent claims, and since a claim which depends on another claim is subject to all the limitations of that other claim, applicants respectfully submit that claims 3-7, 11-12, 16-17, and 19-20 are not taught or suggested by the Kaide patent for at least the same reasons discussed above with respect to the amended independent claims.

In view of the amendments to claims 1, 9, 10, 14 and 15 and the remarks above, applicants respectfully request that the rejection of claims 1, 3-7, 9-12, 14-17, and 19-20 as being anticipated by the Kaide patent be reconsidered and withdrawn.

Sections 3-5 of the Office Action rejected claims 1 and 3-21 under 35 U.S.C. §103(a), as being unpatentable over the Kaide patent in view of U.S. Patent No. 3,576,388 to Bruns ("Bruns patent").

According to the previous Office Action, the Bruns patent teaches a polyvinyl chloride or neoprene flame resistant cable coating and fillers including clay, and thus, it would have been obvious to one of ordinary skill in the art to flameproof the Bruns patent composition with the clay and other fillers of the Kaide patent. Further, according to the present Office Action, the recited nano-clays are well known for fire retardation.

Applicants respectfully submit that while the Bruns patent teaches fillers, the fillers are only used with the

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organopolysiloxane sealant composition 16, and not, for example, with the "protective layer 17" or the "flexible protective layer 18" which can be polyvinyl chloride, see column 2 at lines 15-40, and column 3 at lines 34-55 of the Bruns patent. Thus, the Bruns patent, like the Kaide patent, only teaches one type of polymer, that is, organopolysiloxanes for improved flame retardation or char formation with clay and other fillers.

However, even if one of ordinary skill in the art were to combine the Kaide and Bruns patents to 'flameproof' one of the protective layers, one would only be led to employ the fillers with the particular polymer which the Kaide patent teaches, that is, chloroprene (neoprene), and not with the polymers recited in the amended independent claims of the subject invention, that is polyethylene, polypropylene, polyurethane, polystyrene, phenolics, epoxy resins, ABS combinations, or copolymers of polyethylene, polypropylene, polyurethane, polystyrene, phenolics, or epoxy resins. Thus, applicants respectfully submit that the Kaide patent in view of the Bruns patent fails to teach or suggest the subject matter of the subject invention as recited in the amended independent claims.

Since claims 3-8, 11-13, and 16-21 depend directly or indirectly from the amended independent claims, and since a claim which depends on another claim is subject to all the limitations of that other claim, applicants respectfully submit that claims 3-8, 11-13, and 16-21 are not taught or suggested by the Kaide patent and/or the Bruns patent for at least the same reasons discussed above with respect to the amended independent claims.

In view of the amendments to claims 1, 9, 10, 14, and 15 and the remarks above, applicants respectfully request that the

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rejection of claims 1 and 3-21 as being unpatentable over the Kaide patent in view of the Bruns patent be reconsidered and withdrawn.

Sections 6 and 8 of the Office Action rejected claims 1, 3, 14 and 15 under 35 U.S.C. §102(b) as being anticipated by EP 459,472, with U.S. Patent No. 5,164,460 to Yano et al. serving as its English translation ("Yano patent").

Applicants respectfully submit that as with the Kaide and Bruns patents, the Yano patent only teaches one type of polymer, that is, polyimides, for improved flame retardation or coherent char formation with clay and other fillers. Accordingly, applicants respectfully submit that unlike the subject invention as recited in amended independent claims 1, 14 and 15, the Yano patent fails to teach or suggest a flame retardant or coherent char forming polymer composition in which the polymer is polyethylene, polypropylene, polyurethane, polystyrene, phenolics, epoxy resins, ABS combinations, or copolymers of polyethylene, polypropylene, polyurethane, polystyrene, phenolics, or epoxy resins. Accordingly, for at least this reason, applicants respectfully submit that amended independent claims 1, 14 and 15 are not taught or suggested by the Yano patent.

Since claim 3 depends from amended independent claim 1, and since a claim which depends on another claim is subject to all the limitations of that other claim, applicants respectfully submit that claim 3 is not taught or suggested by the Yano patent for at least the same reasons discussed above with respect to amended independent claims 1, 14 and 15.

In view of the amendments to claims 1, 14 and 15 and the remarks above, applicants respectfully request that the

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rejection of claims 1, 3, 14 and 15 as being anticipated by the Yano patent be reconsidered and withdrawn.

Sections 7-8 of the Office Action rejected claims 1 and 3-21 under 35 U.S.C. §103(a) as being unpatentable over EP 459,472, with the Yano patent serving as its English translation, in view of International Publication No. WO 97/30950, with U.S. Patent No. 5,780,376 to Gonzales et al. serving as its English translation ("Gonzales patent").

Applicants respectfully submit that while the Gonzales patent teaches organoclay compositions, the Gonzales patent fails to teach or suggest the polymers recited in the amended independent claims. Accordingly, neither the Yano patent nor the Gonzales patent, taken alone or in combination, teach or suggest a flame retardant or coherent char forming polymer composition in which the polymer is polyethylene, polypropylene, polyurethane, polystyrene, phenolics, epoxy resins, ABS combinations, or copolymers of polyethylene, polypropylene, polyurethane, polystyrene, phenolics, or epoxy resins as taught by the subject invention and as recited in the amended independent claims.

In view of the amendments to claims 1, 9, 10, 14 and 15 and the remarks above, applicants respectfully request that the rejection of claims 1 and 3-21 as being unpatentable over the Yano patent in view of the Gonzales patent be reconsidered and withdrawn.

In view of the amendments to the claims and the remarks above, applicants respectfully request that the rejections in the Office Action be reconsidered and withdrawn, and earnestly solicit a Notice Of Allowance.

If a telephone interview would be of assistance in

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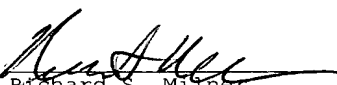
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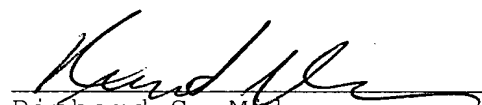
advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

No fees, other than the fee for a three-month extension of time, are deemed necessary in connection with the filing of this Amendment. However, if any such fees are required, authorization is hereby given to charge the amount of any such fees to Deposit Account No. 03-3125.

Respectfully submitted,

I hereby certify that this paper is being deposited this date with the U.S. Postal Service as first class mail addressed to: Commissioner for Patents
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 09 February 2007
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